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Remarks

Claim 1 currently stands rejected under 35 U.S.C. 102(b) as being anticipated by Schulze-Alexandru et al., CA 132:202636. It is respectfully submitted that the present application claims priority to U.S. provisional application Serial Number 60/117385, filed January 27, 1999. The Schulze-Alexandru reference has a receipt date at the publisher of May 5, 1999, with a publication date several months later. As such, the Schulze-Alexandru reference does not qualify as art against the present application. Withdrawal of the rejection is respectfully requested.

Claims 1 and 2 currently stand rejected under 35 U.S.C. 102(b) as being anticipated by Ellis et al., CA 128:22811. It is asserted that the compounds disclosed therein teach the presently claimed compounds and are useful for the treatment of disorders of melatonin-regulated systems. It is respectfully noted that the referenced compounds are disclosed as intermediates without any disclosed properties. They appear to be the only compounds falling within the original claims and are each used once to synthesize final products. It is also noted that alternative synthetic processes are used in other similar syntheses such that use of the corresponding intermediates is not inferred, taught or suggested. These referenced compounds are not taught to be useful therapeutically nor are they taught in pharmaceutical compositions. As such, this rejection as it pertains to Claim 2 is believed to be in error and its withdrawal is respectfully requested.

Furthermore, Claim 1 has now been amended to proviso around the referenced intermediates. Therefore it is believed that the rejection as it pertains to Claim 1 as amended has been obviated and its withdrawal is respectfully requested.

Claim 1 currently stands rejected under 35 U.S.C. 102(b) as being anticipated by Royer et al., CA 78:71948, citing 5 reference compounds. It is noted that this reference, without obtaining a complete translation, appears to teach only synthetic chemistry related to the referenced compounds any certain families of analogs unrelated to the presently claimed compounds. Claim 1 has now been amended to proviso around the referenced compounds. It is therefore believed that the rejection has been obviated and its withdrawal is respectfully requested.

Claims 3 and 6 currently stand rejected under 35 U.S.C. 112, first paragraph, allegedly for failing to provide sufficient description for the claim's breadth. Applicants respectfully disagree with this characterization of Claims 3 and 6 and believe the full breadth of the claim to in fact be supported. However, in an effort to facilitate the passage of the

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application to grant, Applicants have opted to cancel Claims 3 and 6 without prejudice, reserving the right to resubmit such Claims in a divisional application as desired.

It is believed that all rejections have been traversed or obviated and that all issues have been addressed. It is believed that the Claims are now in condition for allowance. A timely Notice of Allowance is requested.

Respectfully submitted,



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